



KENTUCKY BOARD OF PHYSICAL THERAPY NEWSLETTER

Email: KYBPT@ky.gov

Web Site: <http://pt.ky.gov>

May 2008

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The Board Office Has Moved!

Please come to visit us at our new location just across the parking lot from our old office. The new address is:

312 Whittington Parkway, Suite 102
Louisville, KY 40222

Our telephone and fax number will remain the same.



Governor Appoints New Public Member

Governor Beshear has appointed Virginia Johnson from the rural part of Kenton County in Northern Kentucky to replace Steve Lacy as our new public member. Our Board consists of six physical therapists and one member to represent the public.

Virginia taught special education in inner city schools for 28 years, retiring in 2001. Since then, she took courses at the University of Cincinnati and earned a Master Gardener certification in 2003 from the Association of Master Gardeners. Virginia volunteers every year at the Cincinnati Flower and Garden Show and is involved with the flower sale at the Greater Cincinnati Civic Garden each May. She also volunteers in the Surgical Lounge at St. Elizabeth Medical Center in Edgewood Kentucky. Virginia is an activist involved in labor, environmental and political issues on the local, state and national levels.

Virginia has been married to Jeffery Hampton for 26 years and has two daughters. She states she is honored to be appointed by Governor Beshear to serve on the Physical Therapy Board. Welcome Virginia Johnson!



Mark Brengelman & Virginia Johnson

Disciplinary Actions September 2007 – May 2008



The following is a summary of disciplinary actions taken by the Board since the last Newsletter was published. It is intended as a summary for informational purposes only. All information is believed to be accurate. However, complete terms of each disciplinary action are contained in the Board's records. Monetary amounts paid to the Board may reflect the investigative costs and not necessarily the scope and severity of the violation(s).

Disciplinary Actions September 2007 – May 2008

Carah Dawe Cahill, PT-004937

Date: 9/5/2007

Alleged Violations: KRS 327.070(1)(a) and (g) and (2)(k) for violating KRS 327.020(1) and (3).

Reinstatement of Certificate and Settlement Agreement: Admits to violating KRS 327.020(1) and (3) and KRS 327.070(1)(a) and (g). Previously expired license was reinstated by the Board and disciplined by a \$500.00 fine for each violation (\$1,000.00) and a \$500.00 administrative cost (\$1,500.00 total).

Anna Lori Stevens, PTA-A01626

Date: 11/15/2007

Alleged Violation: KRS 327.070(2)(a)

Order and Notice of Immediate, Temporary Suspension of Certificate to practice as a Physical Therapist Assistant issued by the Board; **Final Order of Permanent Suspension.**

Matthew Thomas Jones, PT-002851

Date: 5/15/2008

Alleged Violations: KRS 327.070(2)(k), 201 KAR 22:053 § 2(2)(a), § 2(5), § 4(3)(f), §5(2), §5(3), § 5(4)(a) and (b)(1-4).

Final Action: Admits to violating KRS 327.070(2)(k) by violating 201 KAR 22:053 § 5(4)(a) and (b)(1-4) by failing to be responsible for the physical therapy record of the patient, to consist of a discharge summary and 201 KAR 22:053 § 5(3) by failing to be responsible for the physical therapy record of the patient, to consist of a reassessment. Reprimand. 1 year probation with quarterly monitoring with costs, \$500.00 fine for each violation, and \$500.00 administrative costs administrative costs (total: \$1,500.00).

Lawrence Tatem, PT-004681

Date: 5/15/2008

Alleged Violations: KRS 327.070(2)(g)

Final Action: Admits to violating KRS 327.070(2)(g) by making any other false statement to the Board. \$1,500.00 fine, \$500.00 administrative costs and appear personally before the Board.

Continued Competency Audit

The following violated KRS 327.070(2)(g) by failing to obey an administrative regulation 201 KAR 22:045 "Continued Competency Requirements and Procedures." Continued Competencies deficiencies were disciplined by the Board with a cost of \$250.00 plus a fine of \$20.00 per hour of deficiency for Physical Therapy Assistants and \$30.00 per hour of deficiency for Physical Therapists. Settlement Agreement for each of the following:

Colby M. Allen, PT-004774
Thomas Patrick Billingsley, PT-004756
Dwight Allan Boles, PT-003699
Brittanie Brown, A02236
Kenneth William Chatman, PT-003622
Donna S. Cola, A01949
Rebecca Copass, A00350
Kevin C. Covington, PT-002424
Jacqueline M. Cox, A00747
Rodolfo Tom Dorantes, A02228
Cheryl Durant, PT-004680

Kevin Fitzgerald, PT-005042
Kerry M. Fox, PT-001899
Jon-Mark French, A01127
Nicole L. Fry, PT-004231
Donna Harris, A02016
Casie Hendon, PT-004868
Michelle Boeglin Hoffman, A02193
Robert Nathan Holm, A00663
Robert Lee Hoster, A01076
Rebecca L. Huber, PT-004916
Kathy R. Huffine, A00117

Regina Diana Hughes, PT-001929
Lawrence Humphrey, PT-003035
Angela Jeffries, A01839
Melissa Johnson, PT-004684
Angela J. Kelly, A01085
Joey Leigh Kelso, A01616
Rey Adonis Lao, PT-003679
Janelle Marsh, PT-004905
Thomas McGinnis, A00482
Michael McGuirk, A01462
Angela Sue Meek, A01615

Patrick A. Meeker, PT-003533
Judith W. Meyer, PT-001111
Laura Miller, PT-005054
James T. Mills, PT-002543
Gina Cecilia Morris, PT-005025
Karen Motimaya, PT-004922
Richard Mulcahey, PT-001191
Hilbert Tracy Potter, PT-004263

Shanna Ramey, A01101
Laura Reagan, PT-004608
Tracey L. Reinecke, PT-004051
Brenda Robertson, PT-002193
Margaret S. Schulte, PT-000703
Walter Brent Stephens, A01534
LaDonna Carol Umstead, A00649
Melissa Veneracion, PT-003911

Barry D. Walker, A00589
Ahmed Yousef, PT-001343
Jason Zeitz, PT-004951
Tanna Marie Zimmerman, A01638

The following violated KRS 327.070(2)(g) by failing to obey an administrative regulation 201 KAR 22:045 "Continued Competency Requirements and Procedures." A Settlement Agreement with Voluntary Surrender of License as if Revoked was agreed upon by the following:

Stephanie A. Anderson, A-01381
Helen Livingston, PT-004694
Kenneth Rutherford, A01815

The following violated KRS 327.070(2)(g) by failing to obey an administrative regulation 201 KAR 22:045 "Continued Competency Requirements and Procedures." Final Order of Default: Certificate is Revoked.

Erika Black, A01855

Cease & Desist Orders September, 2007 through May 2008

The following is a list of violations of KRS 327.020(3) *"It shall be unlawful for any person, or for any business entity, its employees, agents, or representatives to use in connection with his or its name or business activity the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," the letters "P.T.," "L.P.T." or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied or to bill for physical therapy unless such physical therapy is provided by or under the supervision of a physical therapist licensed and practicing in accordance with this chapter."*

Jason Freeman Moss, D.C., Occupational Kinetics, Louisville, stating "NBCE board certified physiotherapist" under Professional Experience in resume for Occupational Kinetics.

Jennifer Morse, Bluegrass Equine Physical Therapy, LLC, Midway, advertising on website in connection with business activities.

Suzanne Neukam, D.C., Chiropractic Pain & Injury Center, Lexington, advertising "physical therapy" through an advertising link on an internet page.

Nicole Sullivan, D.C., Capitol Chiropractic & Injury Center, Frankfort, advertising "physical therapy" through an advertising link on an internet page.

Sheldon Sharp, D.C., Active Body Chiropractic and Injury Center, Richmond, advertising "physical therapy" through an advertising link on an internet page.

Dennis Short, D.C., Danville Family Chiropractic, Danville, advertising "physical therapy" through an advertising link on an internet page.

Patrick Perschke, D.C., Adonai Chiropractic, Hopkinsville, advertising "physical therapy" in the Chamber Connection.

Rick Rowe, MD, Frankfort, advertising under the heading "Physical Therapy" in a local school advertisement.

Jennifer Morse, Bluegrass Equine Physical Therapy, LLC, Midway, advertising on website in connection with business activities.

New Medicare Reassessment Policy vs. Kentucky Physical Therapy Reassessment Law

In light of the recent Centers for Medicare and Medicaid (CMS) transmittal extending reassessment/recertification of outpatient Medicare patients to 90 days instead of the previous 30 day requirement, there has been much confusion regarding how this change in Medicare affects patients in Kentucky.

The current law regarding reassessments for outpatients in Kentucky has not changed. It remains that all patients shall be reassessed every 30 days, except where noted below. Despite the change in Medicare policy, existing Kentucky law remains unaffected by this.

The current law reads as follows: 201 KAR 22:053 Section 4 states:

- (i) Reassessing inpatients in either a hospital or comprehensive rehabilitation facility every fourteen (14) days;*
- (j) Reassessing every ninety (90) days, with the physical therapist assistant present, patients in:*
 - 1. A facility defined in 902 KAR 20:086 as an intermediate care facility (ICF) for the mentally retarded (MR) and developmentally disabled (DD); or*
 - 2. A school system. A forty-five (45) day grace period shall be allowed upon transfer from another school district or from the start of the school year. During this grace period treatment may continue based upon the previous reassessment or initial evaluation;*
- (k) Reassessing each patient not otherwise noted every thirty (30) days following the initial evaluation or subsequent reassessment;*

Historically, the Kentucky Board of Physical Therapy has held that requiring the current reassessment schedule for all patients is in the best interest of the public and has no plans to change existing law regarding reassessments.

Below are highlighted sections of existing law pertaining to physical therapy documentation and standards of physical therapist assistant practice regarding physical therapy reassessments in Kentucky.

Section 5. Standards for Documentation. The physical therapist is responsible for the physical therapy record of a patient.

- (3) Reassessment, which is written or typed, signed and dated by a physical therapist. This reassessment shall be in compliance with Section 4(3)(i) through (l) of this administrative regulation:*
 - (a) If the physical therapist is treating the patient, these reports may be incorporated into the progress notes.*
 - (b) If a physical therapist assistant or supportive personnel are treating the patient, the report shall be a separate entry into the record.*
 - (c) A reassessment shall include directly observed objective, subjective, and medical data necessary for the revision or reaffirmation of the plan of care and measurable goals.*

Section 3. Standards of Practice for the Physical Therapist Assistant. When engaged in the practice of physical therapy the physical therapist assistant shall:

- (1) Provide services only under the supervision and direction of a physical therapist;*
- (2) Refuse to carry out procedures that he believes are not in the best interest of the patient or that he is not competent to provide by training or skill level;*
- (3) Initiate treatment only after evaluation by the physical therapist;*
- (4) Upon direction from the physical therapist, gather data relating to the patient's disability, but not determine the significance of the data as it pertains to the development of the plan of care;*
- (5) Refer to the physical therapist inquiries that require an interpretation of patient information related to rehabilitation potential;*
- (6) Comply with the plan of supervision established by the physical therapist;*
- (7) Communicate with the physical therapist any change or lack of change which occurs in the patient's condition which may indicate the need for reassessment; and*
- (8) Discontinue physical therapy services if reassessments are not done in compliance with Section 4(3)(i)-(l) of this administrative regulation, and communicate to the appropriate parties.*

Continued Competency Reminder

All licensees, including new graduates, must take the required online Jurisprudence Examination which will count for two (2) contact hours, as part of the continued competency renewal requirement. Physical Therapists need a total of 30 hours and Physical Therapist Assistants need a total of 20 hours. Contact hours must have been earned from April 1, 2007 through March 31, 2009. In addition to the JE, the breakdown of hours is listed below:

1. **Physical Therapists** – An additional 28 contact hours of continuing education.
 - A. Category 1 – at least 18 contact hours required; however, all 28 hours may be earned in Category 1.
 - B. Category 2 – no more than 10 contact hours; none is required in Category 2.
2. **Physical Therapist Assistants** – An additional 18 contact hours of continuing education.
 - A. Category 1 – at least 10 contact hours required; all 18 hours may be earned in Category 1.
 - B. Category 2 – no more than 8 contact hours; none is required in Category 2.
3. **2007 and 2008 Graduates:** New graduates have met the continuing competency hours from their educational credit hours. You are still required to take the Jurisprudence Exam.
4. **201 KAR 22:045 §2(2)(a):** *Completion of courses, seminars, workshops, symposia, or home study courses consisting of at least **three (3) contact hours** that have been approved by board, the board's designee, APTA or its components, or any other physical therapy licensing agency..*

Jurisprudence Exam Required for All Licensees

The new Jurisprudence Exam (JE) is available now on our website at <http://pt.ky.gov>. There is no cost for the exam and it can be taken at any time. Again, completion of the Jurisprudence Exam will be required for license renewal by 3/31/2009, and will count for 2 contact hours toward your continued competency requirement. **All licensees are required to complete the JE.** Currently, less than 200 licensees have completed the JE requirement. If you are unsure whether you have taken the new JE, go to our website and open the JE. Once you enter your name and credential number, you will get a page that says "Congratulations...you may download your certificate." What are you waiting for? It's there and it's free!!!

Restricted Agency Funds

We wanted to take a moment to thank those of you who responded to our recent email and contacted your legislators in Frankfort to object to the General Assembly transferring \$281,000 of our agency funds to the General Fund. As most of you probably know by now, we did not get the result we had hoped for.

We understand that our legislators had to make difficult decisions in these tight financial times. Our Board will continue to be fiscally responsible and fulfill our responsibility to protecting the public the best we can.

Again, we thank all of you who responded to support your Board's efforts in retaining our agency funds.

For those of you who did not receive our "Legislative Alert" email: we do not have your email address or we have your wrong email address. If you will email your address to the Board office at KYBPT@ky.gov, we can update our records. These email addresses are for internal purposes only, we will not sell or give this information out to the public.

State Board of Physical Therapy v. Dubin Orthopaedic Centre

The Kentucky Supreme Court is expected to rule later this year in an appeal against the Kentucky Board of Physical Therapy regarding the term protection prohibitions in KRS 327.020. On April 16, 2008, the Kentucky Supreme Court granted a Motion for Discretionary Review filed by Dubin Orthopaedic Centre, P.S.C., which lost a unanimous decision by the Court of Appeals in favor of the Board. Although the Supreme Court accepted the case, which is a discretionary decision, the Supreme Court also ordered that no oral argument will be held, and that the matter will be submitted for a decision on the briefs (written arguments) filed only. See Commonwealth of Kentucky, State Board of Physical Therapy v. Dubin Orthopaedic Centre, Inc., Kentucky Court of Appeals No. 2006-CA-001173-MR.

Intervention: Breaking the Cycle of Dependency

Diabetes is a chronic disease that affects 7% of people nationally and, as health care professionals, we have been trained very well on how to manage this disease state. Conversely, there is another disease state that affects 10% of the population, yet as a whole, we as health care professionals know very little about its treatment. The disease I am referring to is addiction. Nationwide, 1 in 10 people suffer from some type of addiction, be it alcohol, illegal drugs, or prescription drugs. If left untreated, both disease states can be equally harmful to a patient or even fatal, resulting either as a direct cause or a secondary effect from the disease. Yet, we are trained very well on how to treat the diabetic patient and very little on the addicted one. So, why the disparity in the way we look at these diseases? Possibly the stigma of addiction, or the fact we have far fewer "tools in the bag" when it comes to treating the disease. Both patient groups, diabetics and addicts, suffer from an incurable disease and both deserve our help as health care professionals.

Health care professionals are often confronted by addicts or drug seekers, and have an excellent opportunity to make an impact. One of the difficulties we face is distinguishing between those patients who have a dependency problem and those with an addiction problem. If a patient is suspected, KASPER is an invaluable tool when screening for prescription drug-related problems. Another useful tool when assessing a patient is the CAGE questions, as follows:

- Have you ever felt the need to **C**ut down on your use of prescription drugs?
- Have you ever felt **A**nnoyed by remarks your friends or loved ones made about your use of prescription drugs?
- Have you ever felt **G**uilty or remorseful about your use of prescription drugs?
- Have you **E**ver used prescription drugs as a way to "get going" or to "calm down?"

Two affirmative answers to the above questions may indicate a possible drug addiction, while a single affirmative answer warrants further investigation. Also watch for potential warning signs, ask frequency and dosage questions, and use clinical judgment.

Once you have determined a person is dependent or an addict, it is your responsibility to attempt to help the patient. You can help the patient determine the appropriate actions, advise them on the risks of not taking action, and advise them how to go about those actions. Patients should also be referred to a substance abuse specialist or treatment facility; however one must be careful when recommending treatment facilities. It would be beneficial to educate the patient and the patient's family and/or significant other(s) on the nature of addiction, the effectiveness of treatment, and the prospects for recovery. There are some organizations that claim to cure addiction, and while this is the hope for the future, there is no proven cure to date. The addicted individual will need to continue to work in a program of recovery with a strong support system.

For more information contact Brian Fingerson, RPh @ KYPRN@insiahtbb.com or 502-749-8385.



Address and Name Changes

You are required by law to notify the Board office within 30 days of change, of a new home address, or physical therapy worksite change. Please provide your name, your license number, and the full address, including county and telephone number. For your worksite, provide the facility name, full address, including county and phone number, and also let us know if you are working Full or Part –time. PTA's must provide their PT Supervisor's name and license number as well.

This information may be emailed to KYBPT@ky.gov, or faxed to (502) 429-7142 or mailed to our office. Make note of our new address: KY Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, KY 40222.

If you have a name change, submit the legal document verifying the change. We will change your records in-house, but if you want a new wallet card or wall certificate, the fees are \$10 for wallet cards and \$20 for wall certificates. A form to submit change of address is on back page of this newsletter.

KRS 327 Revisions

The Kentucky Board of Physical Therapy (KBPT), along with the support of the Kentucky Physical Therapy Association (KPTA), has created a draft proposal for language changes to KRS Chapter 327 that can be viewed at <http://pt.ky.gov> . KRS Chapter 327 is the current law that governs the practice of physical therapy in the state of Kentucky. The proposed statutory changes improves the organization and clarity of the language contained therein.

Why is it necessary to make statutory changes to KRS Chapter 327?

- To heighten uniformity among other states by adopting the Physical Therapy Model Practice Act.
- To strengthen clarity of enforcing and defending the practice of physical therapy.
- To improve the enforcement of the term and title action protections of KRS 327.020(3).
- To increase the mobility of licensed physical therapists between other jurisdictions.
- To broaden the mandatory reporting requirements regarding KRS 327 violations.
- To update the current requirement standards for the credentialing of foreign educated physical therapists and physical therapist assistants.

With any proposed legislative change comes the need to communicate intent and motivation to those who are affected by this process. The Board concludes that it is very important to establish a dialogue with you to prevent any misunderstanding and to clarify proposed language changes in a manner that leaves no misinterpretation.

Please take this opportunity to review the changes and watch for scheduled meetings across the State of Kentucky on the Board's website at <http://pt.ky.gov>.

Change of Home Address, Name, or PT Worksite

Any change of address (home or work) or name must be sent to the Board within 30 days of the change according to KRS 327.040(6). For a name change, please send a copy of the legal document verifying the change. You may mail, fax, or email the information to the Board office.

Name **(Required)** _____ Credential No. _____

Home Address _____
City State Zip County

Phone(_____) _____ Email address _____

Primary Work Facility _____

Address _____
City State Zip County

Phone(_____) _____ Full/Part time _____

For PTAs only: PT Supervisor's Name & Lic. No. _____

Note: Our agency provides licensure lists for a fee to recruiters, continuing education sponsors, and other agencies. Please indicate your preferred address of public record for disclosure. If neither address is marked, the default address will be your home address.

Please use my home address _____

Please use my primary work location address _____

FAX NO. (502) 429-7142

EMAIL: KYBPT@ky.gov